

REMARKS

Claims 1-6 are pending in this application. No amendment is made in this Response.

Claims 1-6 stand rejected under 35 U.S.C. 102(a) [over Ebara [sic] et al. JP 2002-355030] for the reasons set forth in the previous Office Action.

Reconsideration of the rejection is requested in view of the following remarks.

Applicant had previously argued that JP2002-355030 represented a publication by authors (inventors) who were identical to the inventors of the present application; that is, JP '030 did not represent a publication "by another". However, the Examiner requests: "evidence that further proves that the translation error [of the inventor's names]. Submitting the original document in addition to a certified translation making obvious the translation error can do this."

Applicant contacted Examiner Tongue by telephone on August 23, 2005, to confirm understanding of the Examiner's request. In the telephone interview, the Examiner confirmed that submission of a Declaration under 37 CFR 1.131 plus a verified translation of JP '030 would serve to overcome the rejection.

Applicant there has attached hereto a Declaration Under 1.131 and a verified English translation of JP 2002-355030. The Declaration states that the present inventors invented the present claims in Japan, a WTO country, before December 10, 2002. In support of this statement is provided the verified English translation of JP '030. This translation makes it clear that the inventors of JP '030 are the same as the inventors of the present application.

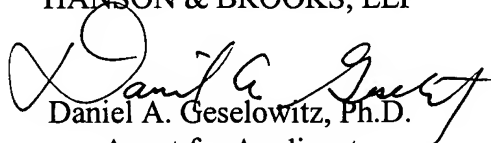
Withdrawal of the rejection is therefore respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Declaration Under 1.131
Verified English translation of JP 2002-355030